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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

POND, ROBERT M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483,388

Applicant(s)

XIA ET AL.

Examiner

Robert M. Pond

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 17 February 2006 has been entered.

Response to Amendment

The Applicant canceled all previously examined claims (1-44) and newly added claims 45-59. All pending claims 45-59 were examined in this non-final office action following a Request for Continued Examination. New grounds of rejection were issued as necessitated by amendment.

Response to Arguments

The Applicant canceled all previously examined claims. Applicant's arguments with respect to claims 45-59 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 45-53, 58, and 59 are rejected under 35 USC 102(b) as being anticipated by Chelliah (US 5,710,887).

Chelliah teaches all the limitations of claims 45-53, 58, and 59. For example, Chelliah discloses a system and method relying upon a program object containing attributes pertaining to product information used to market and sell products online to remotely connected users (see at least abstract; Fig. 1; Fig. 2; col. 2, line 36 through col. 5, line 3). Chelliah further discloses:

- *Providing a marketing object container:* use of program object technology (see at least col. 9, lines 30-48); sales representative program object (see at least col. 10, lines 44 through col. 11, line 3).
- *Providing a selection of marketing attributes to be associated with the marketing object container:* responsive to the sales representative program object is the pricing engine providing a selection of marketing attributes (e.g. product price) (see at least col. 11, lines 11-18).
- *Providing a selection of marketing attributes to be associated with the marketing object container:* timing attributes for future discount; magnitude of discount (see at least col. 4, lines 31-38; col. 20, lines 25-

33); advertised weekly sales (please note: conveys priority over advertised monthly sales) (see at least col. 20, lines 43-47); pricing priority (see at least col. 21, lines 60-64).

- Determining which of the selection of marketing objects to display to a user based on the selection of marketing attributes associated with the marketing container: displays pricing, discount information based on user selection of a particular product (see at least abstract; col. 3, lines 30-45).
- Examining a user profile: determines incentives based on customer's demographics and/or purchasing habits (i.e. user behavior) (please note: profile is examined to determine incentives) (see at least col. 12, lines 34-42); tracking user behavior (see at least col. 25, lines 65-67).
- Program product: Inherent in Chelliah are the structures necessary to permit the execution of computer code. For example, the system of Chelliah relies upon a computer executing code in order to electronically create and manager software program objects and noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 54-57 are rejected under 35 USC 103(a) as being unpatentable over Chelliah (US 5,710,887) in view of Knowlton (US 6,061,057).

Chelliah teaches a system and method relying upon a program object containing attributes pertaining to product information used to market and sell products online to remotely connected users (see at least abstract; Fig. 1; Fig. 2; col. 2, line 36 through col. 5, line 3). Chelliah further teaches:

- Providing a marketing object container: use of program object technology (see at least col. 9, lines 3048); sales representative program object (see at least col. 10, lines 44 through col. 11, line 3). Please note: object associated with a first party of a first Web site.
- Providing a selection of marketing attributes to be associated with the marketing object container: responsive to the sales representative program object is the pricing engine providing a selection of marketing attributes (e.g. product price) (see at least col. 11, lines 11-18).
- Providing a selection of marketing attributes to be associated with the marketing object container: timing attributes for future discount; magnitude of discount (see at least col. 4, lines 31-38; col. 20, lines 25-33); advertised weekly sales (please note: conveys priority over advertised monthly sales) (see at least col. 20, lines 43-47); pricing priority (see at least col. 21, lines 60-64).
- Determining which of the selection of marketing objects to display to a user based on the selection of marketing attributes associated with the

marketing container: displays pricing, discount information based on user selection of a particular product (see at least abstract; col. 3, lines 30-45).

- Examining a user profile: determines incentives based on customer's demographics and/or purchasing habits (i.e. user behavior) (please note: profile is examined to determine incentives) (see at least col. 12, lines 34-42); tracking user behavior (see at least col. 25, lines 65-67).
- Program product: Inherent in Chelliah are the structures necessary to permit the execution of computer code. For example, the system of Chelliah relies upon a computer executing code in order to electronically create and manager software program objects and noted above.

Chelliah teaches all the above as noted under the 103(a) rejection and further teaches a) the use of program object technology to target advertise products to individuals, b) passing program objects from one application process to a second application process at a first web site, and c) program objects containing attributes pertaining to a marketable product, but does not disclose associating the marketing object for a second party. Knowlton teaches a system and method of marketing products online for sale using visual link objects (vlo) that are self-contained encapsulated program objects used to facilitate online purchasing (see at least abstract). Knowlton teaches marketing through friends and family (please note: a family recruiting other family members to purchase or route vlos is a type of target advertising). Knowlton further teaches a first web site associated with a visual link object selected by a first party, wherein the first party passes a copy of

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the selected vlo to a second party via electronic mail who can then use the vlo to purchase a product or pass along to a third party (see at least Fig. 4; col. 15, lines 21-47; col. 17, lines 19-31). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Chelliah to associate a selectable object of a first party of a first web site to a second party or third party as taught by Knowlton, in order to facilitate target marketing to multiple parties, and thereby increase sales for the online service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Yogesh Garg can be reached on 571-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robert M. Pond', with a stylized flourish at the end.

Robert M. Pond
Primary Examiner
25 April 2006